

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5039**

59th Legislature  
2005 Regular Session

Passed by the Senate April 19, 2005  
YEAS 41 NAYS 0

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**President of the Senate**

Passed by the House April 7, 2005  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5039** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5039**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

**State of Washington                      59th Legislature                      2005 Regular Session**

**By** Senators Rasmussen and Schoesler; by request of Department of Agriculture

Read first time 01/11/2005. Referred to Committee on Agriculture & Rural Economic Development.

1            AN ACT Relating to milk and milk products; amending RCW 15.36.051,  
2 15.36.231, 15.36.241, and 15.36.491; providing an effective date; and  
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 15.36.051 and 1999 c 291 s 4 are each amended to read  
6 as follows:

7            A milk processing plant must obtain an annual milk processing plant  
8 license from the department, which shall expire on June 30 of each  
9 year. A milk processing plant may choose to process (1) grade A milk  
10 and milk products, or (2) other milk products that are not classified  
11 grade A.

12            Only one license may be required to process milk; however, milk  
13 processing plants must obtain the necessary endorsements from the  
14 department in order to process products as defined for each type of  
15 milk or milk product processing. Application for a license shall be on  
16 a form prescribed by the director and accompanied by a ((~~twenty-five~~))  
17 fifty-five dollar annual license fee. The applicant shall include on  
18 the application the full name of the applicant for the license and the  
19 location of the milk processing plant he or she intends to operate and

1 any other necessary information. Upon the approval of the application  
2 by the director and compliance with the provisions of this chapter,  
3 including the applicable rules adopted under this chapter by the  
4 department, the applicant shall be issued a license or a renewal of a  
5 license.

6 Licenses shall be issued to cover only those products, processes,  
7 and operations specified in the license application and approved for  
8 licensing. If a license holder wishes to engage in processing a type  
9 of milk product that is different than the type specified on the  
10 application supporting the licensee's existing license and processing  
11 that type of food product would require a major addition to or  
12 modification of the licensee's processing facilities, the licensee  
13 shall submit an amendment to the current license application. In such  
14 a case, the licensee may engage in processing the new type of milk  
15 product only after the amendment has been approved by the department.

16 A licensee under this section shall not be required to obtain a  
17 food processing plant license under chapter 69.07 RCW to process milk  
18 or milk products.

19 The director shall waive the fee for a food processing license  
20 under chapter 69.07 RCW for persons who are also licensed as a milk  
21 processing plant.

22 **Sec. 2.** RCW 15.36.231 and 1999 c 291 s 14 are each amended to read  
23 as follows:

24 (1) Milk and milk products for consumption in the raw state shall  
25 be bottled or packaged on the farm where produced. Bottling and  
26 capping shall be done in a sanitary manner by means of approved  
27 equipment and ((these)) operations ((shall be integral in one  
28 machine)). Caps or cap stock shall be purchased in sanitary containers  
29 and kept therein in a clean dry place until used.

30 (2) All containers enclosing raw milk or any raw milk product shall  
31 be plainly labeled or marked with the word "raw" and the name of the  
32 producer or packager. The label or mark shall be in letters of a size,  
33 kind, and color approved by the director and shall contain no marks or  
34 words which are misleading.

35 **Sec. 3.** RCW 15.36.241 and 1961 c 11 s 15.36.420 are each amended  
36 to read as follows:

1 Capping of milk or milk products shall be done (~~by~~) in a sanitary  
2 manner by means of approved (~~mechanical~~) equipment and operations.  
3 (~~Hand capping is prohibited.~~) The cap or cover shall cover the  
4 pouring lip to at least its largest diameter.

5 **Sec. 4.** RCW 15.36.491 and 1999 c 291 s 23 are each amended to read  
6 as follows:

7 All moneys received for licenses under this chapter shall be  
8 deposited in the general fund, except that all moneys received for  
9 annual milk processing plant licenses under RCW 15.36.051 shall be  
10 deposited in the agricultural local fund established under RCW  
11 43.23.230.

12 NEW SECTION. **Sec. 5.** Sections 1 and 4 of this act are necessary  
13 for the immediate preservation of the public peace, health, or safety,  
14 or support of the state government and its existing public  
15 institutions, and take effect July 1, 2005.

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